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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,381	01/04/2002	Jeffrey P. Fugere	BRD-0002CIP	3570
7590 05/19/2004			EXAMINER	
MILLS & ONELLO LLP Suite 605 Eleven Beacon Street Boston, MA 02108			HWU, DAVIS D	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,381

Applicant(s)

FUGERE, JEFFREY P.

Examiner

Davis Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed April 22, 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32 is/are allowed.
- 6) ☒ Claim(s) 18, 21-24, 26-29, 31, 33-35, 38-41, 43-45 and 47 is/are rejected.
- 7) ☒ Claim(s) 19, 20, 25, 30, 36, 37, 42 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3752

Response to Amendment

1. Applicant's amendment filed April 22, 2004 is acknowledged and entered.
2. Applicant's remarks have been considered but are moot in view of the new ground(s) of rejection.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. Claims 18, 22, 23, 27-29, 31, 33, 34, 39, 40, 44, 45, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels.

The patent to Daniels shows a fluid dispensing tip comprising:

- an elongated neck (see Figure 3 attached herein);
- a bore machined in the neck along a longitudinal axis of the neck, the bore having a cylindrical input end at an input end of the neck and a cylindrical output end at an output end of the neck (see Figure 3);
- the cylindrical input end of the bore having a first inner diameter and the cylindrical output end of the bore having a second inner diameter, the first inner diameter being greater than the second inner diameter (see Figure 3);
- an inner taper machined in bore between the cylindrical input end and the cylindrical output end for transitioning the inner surface of the bore from the first inner diameter to the second inner diameter, the inner taper being proximal to the output end of the neck (see Figure 3);

Art Unit: 3752

- outlet vents 38 in the output end of the neck, the outlet vents extending radially from the outlet;
- wherein the output end of the dispense tip includes a relieved and beveled outer surface (see Figure 2) as recited in claim 22.

Claim Rejections - 35 USC § 103

5. Claims 21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of Poindexter et al.

The patent to Poindexter et al. discloses that methods for reducing surface tension effects are known in the art, for example, coating a surface with another material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have applied a finishing process to the outlet vents in order to reduce surface tension as disclosed by prior art of Poindexter et al.

6. Claims 24 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of Smith.

The patent to Smith teaches a grinding system for grinding a workpiece 4 in which tooling marks resulting from the grinding are substantially aligned with the longitudinal axis. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have ground the tip of the device of Daniels to form a bevel in which the tooling marks resulting from the grinding are substantially aligned with the longitudinal axis as taught by Smith.

7. Claims 26 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels.

Art Unit: 3752

It would have been an obvious matter of design choice to have located the outlet at a central position of the output end of the neck since such a modification would have involved the mere placement which is generally recognized as being within the level of ordinary skill in the art.

8. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels.

It would have been an obvious matter of design choice to have made the fluid path output cylindrical in cross section since such a modification would have involved the mere change in the shape which is generally recognized as being within the level of ordinary skill in the art.

Allowable Subject Matter

9. Claims 19, 20, 25, 30, 36, 37, 42, and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 32 is allowed.

Conclusion

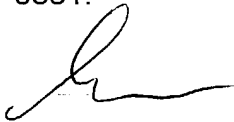
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9302.

Art Unit: 3752

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-

0861.

A handwritten signature in black ink, appearing to be 'Davis Hwu', written in a cursive style.

Davis Hwu